

Form No. 81:4 Petition for writ of Habeas Corpus  
objections to Prison conditions or Regulations

United States District court 5-16-20

Bureau of Prisons - District of - North East Region

FILED - USDC-NH  
2020 MAY 19 PM 12:59

Louis B. Tobin  
Petitioner

VS.

B.O.P. N.E. Region  
Name of Respondent

Petition of Writ  
of Habeas Corpus

For the Bureau of Prisons District of North East Region

The petition of Louis B. Tobin shows:

1. The petitioner is now in the custody of Bureau of Prisons, under Sentence for conspiracy to Distribute Heroin, Tendered by the U.S. District court for the Northern East District of Vermont

2. Since Petitioners confinement began at the Strafford County house of corrections, petitioner has ~~been~~ deprived of his constitutional rights in connection with a disciplinary infraction for - Prohibited act code 102 (Escape from community confinement) on 8-15-19 at 5:49 AM By Hampshire House Staff member Nathan Collins.

After which petitioner was unconstitutionally subjected to loss of Good time credits

(1)

3. Petitioners constitutional rights were denied in connection with this disciplinary hearing and decision in that Due process clause of the 5<sup>th</sup> Amendment of the constitution of the USA provides "No person shall be deprived of life, liberty, or property without due process of the Law, Federal inmates possess a liberty interest in good conduct time. See Wolff v. McDonnell. 418 U.S. 539 Decided 6-26-74

Policy statement 7400.5D:

The B.O.P. statement outlines the steps which must be taken to forfeit Good time.

(E) "Escapes from Community Centers" directs prison officials to conduct a hearing immediately when an escape is involved. It indicates that a hearing may be held in a prisoners absence and his good time forfeited in whole or part subject to a later hearing after his recapture or other mitigating factors. Upon return to federal custody, the prisoner is informed of the good time forfeiture and given an opportunity to present evidence at a hearing, that must be held in a reasonable amount of time.

The hearing officer was personally prejudiced against petitioner and prevented petitioner the right to any notice of disciplinary action and denied his rights per B.O.P. policy to a hearing.

4. This court has jurisdiction pursuant to 28 USC 2241.

5. Petitioner has exhausted all appeals available to him under regulations and has no remedy other than this application for a writ of habeas corpus to correct the illegal and unconstitutional additional burdens to his confinement.

(Attached) Find an Appeal sent to HRC Philadelphia North East Division on 2-17-20, Almost 60 days were alloted for a reply and none was recieved by Plaintiff.

### Prayer

For the reasons stated, Petitioner prays That:

A- This court issue a writ of Habeas Corpus directed to The Bureau of Prisons North East District commanding them to produce the body of the petitioner Louis B Tobin before this court at a time and place to be specified in the writ.

B- This court conduct a hearing on the deprivation of the petitioners constitution rights set out in this petition and following that hearing.

C- This court set aside and void Loss of good time credits illegally taken from petitioner, and all good conduct times returned to Plaintiff immediately.

See 4 pieces of proof and evidence enclosed. 1. Appeal showing proof of ~~a~~ exhaustion of administrative remedies. 2, 3, 4, - Prohibited Act paperwork only received via discovery paperwork as a result of a criminal complaint from a related ~~case~~ escape charge.

Sincerely and  
Respect fully

Louis B. Tobin  
DOB: 2-14-87  
SS# 009-68-2038

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Tobin Louis B 11723-082 H S.C.H.O.C.  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

## Part A - REASON FOR APPEAL

Good conduct time taken in violation of my rite to due process. On 7-3-19 I was released from federal prison to a Fed. Halfway house in Manchester, N.H. While there I lost no good conduct time. On 8-15-19 I went on escape status (never got shot or DHO Hearing) and was rearrested on 8-28-19. I understand that my RADAP year off and the 13 days I was on "Escape status" was added to my sentence to make my release date 12-4-19, which was reiterated to me by my caseworker in September of 2019. 9 months later I had my release date checked again and my release date was changed to 2-24-21. I recieved no incident reports since my incarceration in August of 2019, None at all. SO: Due process Clause of the 5th Ammendment of the constitution of the USA provides "No person shall be deprived of life, liberty, or property without due process of the law, Federal inmates possess a liberty interest in good conduct time. See Wolffv. McDonell. -SO please return any and all good conduct time that was taken in 2019 for Alleged prohibited Acts (60+ days) AS I never recieved any loss of good time in 2019, Never recieved any incident reports or DHO Hearing since August 15th 2019. I've been in Jail since 8-28-19 now which is more than enough time to have caught up with me on any DHO hearings. Please return the good conduct time that was taken illegally. Thanks

2-17-20  
DATE - Mailed

[Signature]  
SIGNATURE OF REQUESTER

## Part B - RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: \_\_\_\_\_

## Part C - RECEIPT

CASE NUMBER: \_\_\_\_\_

Return to: \_\_\_\_\_  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL



5

Exhibit 1

**U.S. DEPARTMENT OF JUSTICE****FEDERAL BUREAU OF PRISONS**

1. Name of CCC: Hampshire House

## Part I - Incident

2. Name of Offender	3. Register Number	4. Date of Incident	5. Time
Tobin 3621E, Louis	11723-082 PR	08/15/2019	1:13 AM

6. Place of Incident	7. Component	8. Type of Offender
hampshire house	PRE RELEASE	FBOP

9. Incident	10. Prohibited Act Code 102
Escape from escort; escape from any secure or non-secure institution, including community confinement; escape from unescorted community program or activity; escape from outside a secure institution.	

11. Description of Incident (Date/Time) 08/15/2019 01:13 staff became aware of incident)

On August 15, 2019 at approximately 1:05 am while conducting a routine building walkthrough I entered the B-3 bathroom on the third floor where MANNING, Lee REG#09808-082 was standing and TOBIN, Louis REG#11723-082 was sitting on the counter top on the left sink in the same bathroom. Upon entering further into the bathroom I saw a smart phone behind Mr. Tobin and a pack of cigarettes under the sink where Mr. Tobin was. I then asked Mr. Tobin to go to the front desk. He then exited the bathroom and went towards his room. A few minutes later he went downstairs and once we got to the first floor he walked out of the facility door and started running away. At no point in time did Mr. Tobin sign out at the front desk as required or request permission to leave.

For leaving Hampshire House without permission, TOBIN, Louis (REG#11723-082) is in direct violation of prohibited acts code 102: Abscond (Greatest Severity) Escape from escort; escape from any secure or non-secure institution, including community confinement; escape from unescorted community program or activity; escape from outside a secure institution.

12. Signature of Reporting Employee	Date and Time	13. Name and Title(printed)
	8/15/19 5:49 AM	Nathan Collins /Program Monitor

14. Incident Report Delivered to Above Offender by	15. Date Incident Report Delivered	16. Time Incident Report Delivered

(Continued Below)

Record Copy - Central File Record; Copy - DHO; Copy - Inmate After UDC Action; Copy - Inmate Within 24 Hours Of Part I Preparation

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MAR 94

Replaces BP-205.073 Of

6

Exhibit 2

17. Comments of Inmate to CDC Regarding Above Incident

18. A. It is the finding of the CDC That You:

\_\_\_\_ Committed the following Prohibited Act

\_\_\_\_ Did not commit a prohibited Act.

B. \_\_\_\_ The CDC is referring the charge(s) to the DHO For Further hearing

C. \_\_\_\_ The CDC advised the offender of its finding and of the right to file an appeal within 20 calendar days

19. Committee Decision Is Based On The Following Information

20. Committee action and/or recommendation if referred to DHO (Contingent upon DHO finding inmate committed prohibited act)

Exhibit 3

21. Date and Time of Action

(The CDC Chairperson's signature next to name certifies who sat on the UDC that the

completed report accurately reflects the CDC proceedings.)

Chairperson(Typed Name/Signature)

Member (Typed Name)

7

Member (Typed Name)

### Part III - Investigation

22. Date and Time Investigation Began

23. Offender Advised Of Right To Remain Silent: You Are Advised Of Your Right To Remain Silent At All Stages Of The Disciplinary Process But Are Informed That Your Silence May Be Used To Draw An Adverse Inference Against You At Any Stage Of The Institutional Disciplinary Process. You Are Also Informed That Your Silence Alone May Not Be Used To Support A Finding That You Have Committed A Prohibited Act.

The Offender was advised of the above right by

At(Date/Time)

24. Offender Statement and Attitude

25. Other Facts About The Incident, Statements Of Those Persons Present At Scene, Disposition Of Evidence, Etc.

26. Investigator's Comments And Conclusion

27. Action Taken

Exhibit 4

Date and Time Investigation Completed

Printed Name/Signature of Investigator

8

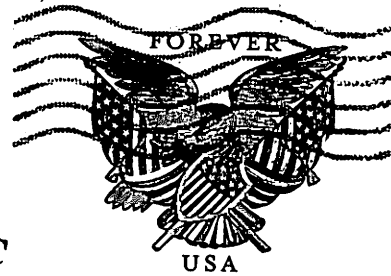
Louis Robin  
Strafford County  
House of Corrections.  
266 County Farm Rd  
Dover, NH.  
03820

Court Clerk  
Federal Court House  
55 Pleasant St.  
Concord, NH.  
03301

MANCHESTER NH 030

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STRAFFORD COUNTY HOC  
MAIL HAS NOT BEEN CENSORED



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